

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MEMORY CONTROL ENTERPRISE, LLC,

No. C-09-1063 MMC

Plaintiffs,

**ORDER DENYING PLAINTIFF'S MOTION
FOR LEAVE TO AMEND; GRANTING
STIPULATED MOTION TO RESET CASE
MANAGEMENT CONFERENCE**

v.

SYMANTEC CORPORATION,

Defendant.

Before the Court is plaintiff Memory Control Enterprise, LLC's motion, filed April 30, 2009, for leave to file a First Amended Complaint ("FAC") that adds three new defendants to the above-titled action and alleges each such defendant infringed United States Patent Number 6,952,719 ("719 patent") by, inter alia, "making, using, importing, selling or offering to sell" such defendant's products. (See Mot. Ex. 1 (Proposed FAC) ¶¶ 11-18.)

On May 29, 2009, the Court afforded plaintiff an opportunity to supplement its showing as to the propriety of the proposed joinder. (See Order filed May 29, 2009.) On June 5, 2009, plaintiff filed a supplemental memorandum. Having read and considered the papers filed in support of the motion, the Court finds the matter appropriate for decision thereon, hereby VACATES the hearing scheduled for June 26, 2009, and rules as follows.

In its supplemental memorandum, plaintiff contends the issues of validity, enforceability, damages, and claim interpretation will be common to all of the defendants


1 named in plaintiff's proposed FAC. Plaintiff has failed, however, to address the specific
2 deficiency noted earlier by the Court, i.e., the extent, if any, to which the issue of
3 infringement is common to all of the accused products, nor has plaintiff demonstrated its
4 claims against the new defendants arise out of the "same transaction, occurrence, or series
5 of transactions or occurrences," see Fed. R. Civ. P. 20(a)(2), as it claims against defendant
6 Symantec Corporation.

7 Accordingly, plaintiff's motion for leave to amend is hereby DENIED.

8 In order to allow plaintiff sufficient time to determine how to proceed in light of the
9 above ruling, the Court finds a continuance of the Case Management Conference is
10 appropriate. Accordingly, the parties' Stipulated Motion to Reset Case Management
11 Conference, filed June 17, 2009, is hereby GRANTED, and the Case Management
12 Conference currently scheduled for July 17, 2009 is hereby CONTINUED to August 21,
13 2009.

14 **IT IS SO ORDERED.**

15
16 Dated: June 23, 2009


MAXINE M. CHESNEY
United States District Judge